

WISCONSIN SUPREME COURT

TABLE OF PENDING CASES

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Web Site: www.wicourts.gov

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The following table describes pending cases the Supreme Court has accepted on petition for review, bypass, certification and original jurisdiction.

The cases included for the first time (that is, the most recently accepted cases) are marked with an * next to the case number. After the Supreme Court decides a case, the date of oral argument or date of submission on briefs is replaced with the date of the Supreme Court decision and abbreviated mandate. That mandate will generally be listed in the table for two months and then the case will be removed from the table.

The information in the table, from left to right, is as follows:

- the case number;
- an abbreviated caption of the case (case name);
- a statement of the issue(s);
- the date the Supreme Court accepted the case;
- the method by which the case came to the Supreme Court: REVW = Petition for review, CERT = Certification, BYPA = Petition to bypass, ORIG = Original Action, WRIT = Petition for supervisory writ, REMD = Remanded from the U.S. Supreme Court;
- the date of oral argument or submission on briefs; or the date of the Supreme Court decision and an abbreviated mandate;
- the Court of Appeals district from which the case came, if applicable; the county;
- the date of the Court of Appeals decision, if applicable;
- whether the Court of Appeals decision is published or unpublished, and, if it is published, the citations to the public domain citation and the official reports for the Court of Appeals decision.

The statement of the issue is cursory and does not purport to be an all-inclusive, precise statement of the issues in the case. Readers interested in a case should determine the precise nature of the issues from the record and briefs filed with the Supreme Court.

The following table covers cases accepted and decisions issued through **September 22, 2006**. Please direct any comments regarding this table to Cornelia G. Clark, Clerk of Supreme Court, P.O. Box 1688, Madison, WI 53701-1688, telephone (608)266-1880.

APPENDIX

WISCONSIN SUPREME COURT PENDING CASES

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Case No.	Caption/Issue(s)	SC Accepted	CA Dist/ Cty	CA Decision
*2003AP2482	<u>State Farm Mutual Automobile Insurance Company v. Travis L. Bailey</u> Whether Wis. Stat. § 632.32(5)(i)1 and the reducing clause in insurance policies permits a reduction of the UIM limit by the amount paid by or on behalf of a second, non-UIM tortfeasor?	09/12/2006 Oral Arg 01/05/2007	1 REVW	03/22/2006 Unp 712 NW2d 86
2003AP2840	<u>B. Meyers, et al. v. Bayer AG, et al.</u> Does a complaint alleging that some consumers paid higher prices for products resold in Wisconsin satisfy the “substantially affects” test of <u>Olstad v. Microsoft</u> , 284 Wis. 2d 224, 700 N.W.2d 139? Is the <u>Olstad</u> test automatically satisfied when a product is sold nationwide and is available in Wisconsin?	07/25/2006 REVW Oral Arg 12/12/2006	1	06/28/2006 Pub 2006 WI App 102 718 NW2d 251
2004AP267	<u>City of Janesville v CC Midwest, Inc.</u> Does a condemnor meet its obligation to “make available a comparable replacement [business] property” under Wis. Stat. §§ 32.05(8) and 32.19, as set forth in <u>Dotty Dumpling’s Dowry v. Community Development Authority</u> , 2002 WI App 200, 257 Wis. 2d 377, 651 NW.2d 1, when it (a) identifies <u>potential</u> replacement business properties, (b) assists the occupant in obtaining renovation cost estimates for properties in which the occupant expresses interest, and (c) tenders the maximum business relocation assistance payment authorized by statute?	04/10/2006 REVW Oral Arg 10/11/2006	4 Rock	02/22/2006 Pub 2006 WI App 21 289 Wis 2d 453 710 NW2d 713
2004AP583	<u>State ex rel. F. Pharm v. B. Bartow</u> Whether the Interstate Agreement on Detainers Act (IAD or the “Act”) permits the State of Wisconsin to retain custody of an out-of-state prisoner for an indefinite civil commitment under Wis. State. Ch. 980 when that prisoner has completed a mandatory period of confinement under a Wisconsin criminal sentence and remains subject to the legal supervision of the criminal corrections authorities of the state that transferred temporary custody of the prisoner to Wisconsin pursuant to the Act?	03/01/2006 REVW Oral Arg 09/07/2006	2 Winne	10/28/2005 Pub 2005 WI App 215 287 Wis 2d 663 706 NW2d 693
*2004AP1592	<u>State v. Thomas S. Mayo</u> Does a prosecutor’s statements in closing argument regarding her role in deciding which charges to bring against a defendant and making a disparaging remark against the defense counsel warrant a new trial as plain error or due to ineffective assistance of counsel for failure to object to the comments? Is a new trial warranted either in the interest of justice or due to ineffective assistance of counsel because of extensive hearsay testimony given by the state’s witnesses concerning out-of-court statements made to police by the complaining witness? Did trial counsel render ineffective assistance by failing to conduct any independent investigation and failing to obtain a transcript of the complaining witness’ sworn testimony at the preliminary hearing?	09/21/2006 REVW	2 Racine	04/26/2006 Unp 713 NW2d 191

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Case No.	Caption/Issue(s)	SC Accepted	CA Dist/ Cty	CA Decision
2004AP2468	<u>Wis. DOR v. River City Refuse Removal, Inc.</u> Is a subsidiary corporation liable for sales and use tax normally imposed upon acquisitions by one corporation from another of taxable vehicles where the acquisitions were made from other subsidiary corporations without consideration in nonmercantile transactions? Did the Wisconsin Tax Appeals Commission correctly reverse the Department of Revenue's assessed negligence penalty for a subsidiary's failure to pay tax upon four other categories of items in addition to the vehicles?	05/09/2006 REVV Oral Arg 10/13/2006	4 Dane	03/22/2006 Pub 2006 WI App 34 289 Wis 2d 628 712 NW2d 351
2004AP2481-CR	<u>State v. M. Jensen</u> Did the circuit court err in holding that the victim's voicemail statements to a police officer and a letter she wrote to the police department were testimonial under <u>Crawford v. Washington</u> , 124 S. Ct. 1354 (2004), and therefore inadmissible at the defendant's murder trial? If the voicemail message and letter are testimonial, should this evidence nevertheless be admitted at the defendant's murder trial under the doctrine of forfeiture by wrongdoing, if the State, outside the jury's presence, can convince the circuit court by a preponderance of the evidence that the defendant killed his wife? Did the circuit court err in holding that the victim's statements to her neighbors and her son's teacher were not testimonial and therefore admissible at trial? If the statements are testimonial, is the State entitled to a pretrial hearing on whether the statements may be admitted under the doctrine of forfeiture by wrongdoing?	07/28/2005 BYPA Oral Arg 01/11/2006	2 Kenos	---
2004AP2588	<u>C. Aslakson v. Gallagher Bassett Services, Inc.</u> Does Wis. Stat. § 102.81(1)(a) preempt bad faith claims by an uninsured employee against the contract administrator for the State Uninsured Employer's Fund (UEF), or may an uninsured employee bring a tort claim against the administrator for bad faith denial of a worker's compensation claim?	06/14/2006 REVV Oral Arg 11/01/2006	4 Dane	03/22/2006 Pub 2006 WI App 35 289 Wis 2d 664 711 NW2d 667
2004AP2655	<u>S. Teitsworth, et al v. Harley-Davidson Inc. et al</u> May a circuit court reopen an action to permit further proceedings and amendment of a complaint to assert new theories of liability following remittitur from this court affirming the dismissal of the case, but where the court's decision set forth other available remedies; see <u>Tietsworth v. Harley-Davidson, Inc.</u> , 2004 WI 32, 270 Wis. 2d 146, 677 N.W.2d233?	02/27//2006 REVV Oral Arg 09/07/2006	1 Milw	01/25/2006 Pub 2006 WI App 5 288 Wis 2d 680+ 709 NW2d 901

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*2004AP2681	<u>Steven J. Wickenhauser, et al. v. Jack Lehtinen, et al.</u> After having been sued for breach of an option contract by the defendants and affirmatively and successfully alleging fraud in the inducement by the defendants as one of the defenses justifying rescission, were the plaintiffs required by law to file a counterclaim in the first action if they wish to pursue damages other than restitution, thereby barring plaintiff from obtaining tort damages for fraudulent misrepresentation in a subsequent action? If the plaintiffs were not required to counterclaim in the first action filed by the defendants, and the appropriate measure of damages was not available to make the plaintiffs whole in that action, was it proper for the plaintiffs to pursue a second action seeking compensatory and punitive damages based on a claim the fraudulent conduct engaged in by the defendants induced them to sign the disputed option contract? In light of the court's ruling in <u>Kaloti Enterprises, Inc. v. Kellogg Sales Co.</u> , 2005 WI 111, 283 Wis. 2d 555, 699 N.W.2d 205, explicitly adopting the fraud in the inducement exception to the economic-loss doctrine, does the election of remedies doctrine bar the plaintiffs from receiving tort damages in a second action on a claim they were fraudulently induced into entering into a contractual relationship with the defendant, after receiving a judgment rescinding the contract in the first action? What impact, if any, does the decision in <u>Schwabe v. Chantilly, Inc.</u> , 67 Wis. 2d 267, 226 N.W.2d 452 (1975) have on the issues of this case?	09/21/2006 REVW	3 St. Croix	02/22/2006 Unp 289 Wis 2d 549 710 NW2d 725
2004AP3238	<u>Brew City Redevelopment Group, LLC v. The Ferchill Group</u> Is there a malevolent action exception to the economic-loss doctrine? Can a plaintiff pursue a tortious interference with contract claim against persons affiliated with and acting on behalf of an LLC without alleging that the individuals acted out of a personal motive inconsistent with the LLC's interest? Does the intra-corporate conspiracy doctrine of <u>Copperweld v. Independence Tube Corp.</u> , 467 U.S. 752 (1984) preclude a conspiracy claim against persons affiliated with and acting on behalf of an LLC?	05/09/2006 REVW Oral Arg 10/13/2006	1 Milw	03/22/2006 Pub 2006 WI App 39 289 Wis 2d 795 714 NW2d 582
2004AP3285-CR	<u>State v. G. Kasmarek</u> Was the sentence imposed by the circuit court unduly harsh under the totality of the circumstances of this case although the sentence is within the limits of the maximum sentence that could have been imposed?	06/14/2006 REVW Oral Arg 10/30/2006	2 Wauke	Summary Disp.

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2005AP77	<u>Shannon E.T., et al v. Alicia M. V.M., et al</u> Whether an unmarried man alleging himself to be the father of a stillborn child may bring a paternity action under Wis. Stat. § 767.45 to establish paternity for purposes of prosecuting a claim for the child's wrongful death?	08/30/2006 REVW Oral Arg 12/13/2006	4 Monroe	06/28/2006 Pub 2006 WI App 104 718 NW2d 729
2005AP81-CR	<u>State v. S. Muckerheide</u> Did the court of appeals err in applying the "Other Acts" standards under Wis. Stats. § 904.04 to the defendant's proffered evidence; see <u>State v. Johnson</u> , 184 Wis. 2d 324, 516 N.W.2d 463 (Ct. App 1994), <u>State v. Gray</u> , 225 Wis. 2d 39, 590 N.W.2d 918 (1999), and <u>State v. Sullivan</u> , 216 Wis. 2d 768, 576 N.W.2d 30 (1998)?	06/14/2006 REVW Oral Arg 10/31/2006	1 Milw	04/26/2006 Unp 713 NW2d 192
2005AP189	<u>Industrial Roofing Services, Inc. v. R. Marquardt, et al</u> Did the circuit court erroneously exercise its discretion when it sanctioned the plaintiff for discovery violations by dismissing the plaintiff's complaint without prejudice and conditioning re-filing on payment of attorneys fees and a demonstration as to the viability of the complaint's allegations within 60 days, when the plaintiff's attorney admitted that the discovery violations were caused by his own failings managing his law practice due to his personal problems?	04/10/2006 REVW Oral Arg 09/07/2006	2 Wauke	01/25/2006 Unp 289 Wis 2d 219 709 NW2d 112
2005AP302-CR	<u>State v. B. Jenkins</u> Did the court of appeals fail to follow the proper standard for reviewing decisions on pre-sentence motions for plea withdrawal; see <u>State v Canedy</u> , 161 Wis. 2d 565, 469 N.W.2d 163 (1991)?	06/14/2006 REVW Oral Arg 11/01/2006	1 Milw	02/22/2006 Pub 2006 WI App 28 289 Wis 2d 523 710 NW2d 502
2005AP423	<u>K. McNeil v. B. Hansen, et al</u> Whether the facts constitute "operation of a motor vehicle" as that term is used in Wis. Stats. ss 102.03(2), so that the injured co-employee is not limited to the exclusive remedy of the workers compensation laws?	05/09/2006 CERT Oral Arg 10/13/2006	1 Milw	---
2005AP534	<u>H. Frisch v. R. Henrichs</u> What is the appropriate remedy for violations of Wis. Stat. § 767.27(2m)? Is Wis. Stat. § 806.07 a more appropriate remedy than contempt for correcting child support orders premised on fraudulent or undisclosed income information? If a child support order is vacated under Wis. Stat. § 806.07 because it was premised on fraudulent or undisclosed income, does Wis. Stat. § 767.32(1m) prevent the court from ordering retroactive child support?	06/14/2006 REVW Oral Arg 12/12/2006	2 Wauke	04/26/2006 Pub 2006 WI App 64 713 NW2d 139

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2005AP544	<u>DaimlerChrysler c/o ESIS v. LIRC, et al</u> Whether the Wisconsin Labor and Industry Review Commission (LIRC) may interpret Wis. Admin. Code § DWD 80.32(4) (9/2005) to stack minimum permanent partial disability assessments for successive ligament repair procedures, where the resulting award is higher than the highest medical estimate of permanent partial disability in evidence?	03/16/2006 CERT Oral Arg 09/13/2006	2 Kenos	----
2005AP573-CR	<u>State v. G. Johnson</u> Did the court of appeals err in holding that a protective search of the defendant's car was unconstitutional after officers had observed him making allegedly furtive movements in his car and after the defendant had fallen each time the officer neared a particular pant pocket during a pat-down?	04/11/2006 REVV Oral Arg 09/13/2006	2 Racine	01/25/2006 Pub 2006 WI App 15 288 Wis 2d 718 709 NW2d 491
2005AP584-CR	<u>State v. J. Brown</u> What standard of review should appellate courts apply when reviewing circuit court decisions reconfining individuals to prison following revocation of extended supervision? Did the circuit court fail to exercise discretion in denying a motion for reconsideration which sought to explain the Department of Corrections' process in making reconfinement recommendations?	05/09/2006 REVV Oral Arg 10/12/2006	1 Milw	3/23/2006 Pub 2006 WI App 44 289 Wis 2d 691 712 NW2d 899
2005AP661-CRNM	<u>State v. M. Parent</u> What procedure and factors are to be considered when deciding whether a defendant should receive a copy of a presentence investigation report (PSI) to facilitate his or her response to a no-merit report and to decide whether motions filed by the state seeking access to a PSI should be filed in the court of appeals or in the circuit court?	05/09/2006 CERT Oral Arg 10/11/2006	3 Eau Claire	---
2005AP685	<u>Acuity Mutual Ins. Co. v. M. Olivas</u> When determining whether a worker is an employee or an independent contractor for the purpose of setting a premium under a worker's compensation insurance policy, does the specific statutory definition of "independent contractor" set forth in Wis. Stat. § 102.07(8)(b) control, or does the common law test control?	04/10/2006 REVV Oral Arg 09/12/2006	2 Sheb	03/22/2006 Pub 2006 WI 45 289 Wis 2d 582 712 NW2d 374

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Case No.	Caption/Issue(s)	SC Accepted	CA Dist/Cty	CA Decision
*2005AP767-CR	<u>State v. Edward Bannister</u> Does the common law corroboration rule operate as a rule of admissibility of a defendant's statement or as a rule for evaluating the sufficiency of the evidence to sustain a judgment of conviction? In viewing the evidence in the light least favorable to the verdict and then holding that the State failed to satisfy the corroboration requirement for a conviction predicated on a defendant's confession, did the Court of Appeals erroneously interpret and apply the corroboration rule, including the "significant fact" doctrine?	09/12/2006 REVV Oral Arg 12/14/2006	1 Milw	07/26/2006 Pub 2006 WI App 136
*2005AP935	<u>Tammy Kolupar v. Wilde Pontiac Cadillac, Inc.</u> Does the court of appeals' decision regarding recovery of costs conflict with existing law as described in <u>Watkins v. LIRC</u> , 117 Wis.2d 753, 345 N.W.2d 482 (1984); <u>Shands v. Castorvinci</u> , 115 Wis.2d 352, 340 N.W.2d 506 (1983); and <u>Chmill v. Friendly Ford-Mercury</u> , 154 Wis.2d 407, 453 N.W.2d 197 (Ct. App. 1990)? When a consumer prevails under the protective fee-shifting statute, Wis. Stat. 218.01(9)(b) (1994), is the consumer's recovery of litigation costs limited to taxable costs under Wis. Stat. 814.04 and 814.10, as in other civil cases not governed by a fee-shifting statute?	09/12/2006 REVV Oral Arg 01/05/2007	1 Milw	05/31/2006 Pub 2006 WI App 85 716 NW2d 547
2005AP995	<u>M. Kasten v. Doral Dental USA, LLC</u> Whether Wis. Stat. § 183.0405 (2003-04), part of the Wisconsin Limited Liability Company Law (WLLCL), grants a broad right of member access to limited liability company records that, absent contrary language in the LLC operating agreement, embraces informal and non-financial records? If the court determines that the statute grants members a broad inspection right, whether e-mails can be classified as "records" under Wis. Stat. § 183.0405(2) such that they are subject to a member's inspection?	05/09/2006 CERT Oral Arg 10/30/2006	2 Ozauk	---
*2005AP1042	<u>HSBC Realty Credit Corporation v. City of Glendale, et al.</u> Does Wis. Stat. § 59.40(3) as applied violate the just compensation guarantee of the Takings Clause of the Fifth Amendment to the U.S. Constitution? Does Wisconsin law allow a trial judge to transfer a condemnation award from a clerk of court's account to an interest bearing account for the benefit of the parties to whom the award belongs? Does the trial court have inherent or equitable authority to make such a transfer?	09/12/2006 REVV Oral Arg 01/04/2007	1 Milw	08/30/2006 Pub 2006 WI App 160

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*2005AP1160	<u>Milwaukee Regional Medical Center v. City of Wauwatosa</u> Whether under Wis. Stat. § 70.11(2) the test for "beneficial ownership" of leased property requires lower courts to; a) weigh all the ownership rights retained by the tax-exempt lessor against all ownership rights held by lessee, or; b) focus on whether the tax-exempt lessor derives immediate, "no inconsequential" financial benefits from the property and has substantial control focused on preserving or enhancing those benefits? Whether a charitable organization with multiple missions, one of which is educational and which uses certain property for educational purposes, can qualify for the "educational association" tax exemption under Wis. Stat. § 70.11(4)?	09/12/2006 REVW Oral Arg 01/11/2007	1 Milw	07/26/2006 Unp 2006 WI App 139
2005AP1189-CR	<u>State v. M. Lackershire</u> Whether during a plea colloquy a circuit court is required to inform the defendant that certain counts dismissed pursuant to a plea agreement will be "read-in" at sentencing and the effect of such a read-in? Must a defendant have actual knowledge and understanding of the dismissed offenses and the consequences of the read-in procedure? When a defendant moves to withdraw a plea and has testified as to a misunderstanding of the nature of the charged offense, is the state required to present affirmative evidence to support the circuit court's denial of the motion for plea withdrawal? Does the belief by a pregnant defendant who entered a plea with the understanding that she could not medically endure a trial without risking her health or the health of her unborn child and that she could not get an adjournment of the trial date prove that her plea was not voluntary and entitle her to withdraw the plea?	02/27/2006 REVW Oral Arg 09/12/2006	3 Pepin	12/21/2005 Pub 2005 WI App 265 288 Wis 2d 609 707 NW2d 891
2005AP1407	<u>Estate of F. Rille, et al v. Physicians Ins. Co., et al</u> In light of the decision in <u>Precision Erecting, Inc. v. M&I Marshall & Ilsley Bank</u> , 224 Wis. 2d 288, 592 N.W.2d 5 (Ct. App 1998), what is the extent of a tort litigant's responsibility to appear and object to a motion for summary judgment filed against another party to the tort action, but not against the litigant, when the litigant seeks to preserve a potential claim for contribution against a party to the motion?	05/09/2006 CERT Oral Arg 12/12/2006	2 Wauke	---
2005AP1485-CR	<u>State v. R. Lord, Jr.</u> Was a defendant's counsel ineffective for failing to establish the authenticity of a state issued temporary license plate which was the basis for law enforcement officers' traffic stop of the defendant's vehicle?	05/09/2006 REVW Oral Arg 10/12/2006	1 Milw	02/22/2006 Unp 289 Wis 2d 551 710 NW2d 726

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*2005AP1487	<u>State of Wisconsin ex rel. Kevin Thomas v. David H. Schwarz</u> Under the Truth in Sentencing statutes, does the Division of Hearings and Appeals lack jurisdiction to simultaneously revoke parole and extended supervision of an inmate serving consecutive indeterminate and determinate sentences?	09/12/2006 REVV Oral Arg 01/16/2007	1 Milw	
2005AP1516-CR	<u>State v. D. Bruski</u> Were the defendant's rights to be free from unreasonable searches violated when the police searched his travel case without a warrant while investigating his unexplained presence in a vehicle?	04/10/2006 REVV Oral Arg 09/13/2006	3 Doug	03/22/2006 Pub 2006 WI App 53 289 Wis 2d 704 711 NW2d 679
*2005AP1579	<u>Jeffrey E. Marotz v. Arthur E. Hallman, Jr., et al.</u> Whether Wis. Stat. § 632.32(5)(i)1 and the reducing clause in insurance policies permits a reduction of the UIM limit by the amount paid by or on behalf of a second, non-UIM tortfeasor?	09/12/2006 REVV Oral Arg 01/05/2007	4 Waup	03/22/2006 712 NW2d 87
*2005AP1689	<u>FAS, LLC v. Town of Bass Lake, et al.</u> Whether the board lawfully determined that a navigable waterway bisected a parcel of land into two lots? As a result of the determination that a navigable waterway created two lots, whether the resulting lots conform to the county zoning ordinance or the State Shoreland Regulations?	09/12/2006 REVV Oral Arg 01/04/2007	3 Sawv	06/28/2006 Unp 717 NW2d 853
2005AP1874	<u>K. Wambolt, et al v. West Bend Mutual Ins. Co., et al</u> Whether a "memorandum decision" granting summary judgment is the final order or judgment for purposes of appeal?	04/11/2006 REVV Oral Arg 10/31/2006	3 Burn	Memo Opn.
*2005AP1920-CR	<u>State v. Samuel Nelis</u> Is it a violation of <u>Crawford v. Washington</u> , 541 U.S. 36 (2004) for the State to use substantively a previously undisclosed statement of an excused witness when the witness could not previously be cross-examined on the statements due to the non-disclosure and because the witness was excused?	09/12/2006 REVV Oral Arg 01/04/2007	3 Ashl	06/28/2006 Unp
2005AP2028	<u>R. Pool v. City of Sheboygan</u> Does service of a notice of disallowance by certified mail addressed to the claimant and receipted by the claimant's adult daughter and received by the claimant constitute service "on the claimant by registered or certified mail" in compliance with Wis. Stat. § 893.80 (1) (g)?	07/25/2006 REVV Oral Arg 12/13/2006	2 Sheb	06/28/2006 Pub 2006 WI App 122

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*2005AP2148	<u>K&S Tool & Die Corp. v. Perfection Machinery Sales, Inc., et al.</u> In a case involving an allegation of "false advertising," should the trial court, at close of plaintiff's evidence, have dismissed the case or should it have issued a directed verdict in favor of defendant at the end of trial because the plaintiff was not a member of the "public" for purposes of Wis. Stat. § 100.18 (1) as a matter of law instead of allowing the jury to decide the question? Did the jury err in finding that the defendant's quotation in an advertisement caused the plaintiff's pecuniary loss?	09/12/2006 REVV Oral Arg 01/11/2007	2 Jeff	07/26/2006 Pub 2006 WI App 148
2005AP2315	<u>H. Lornson, et al v. N. Siddiqui, et al</u> Whether, in light of <u>Rineck v Johnson</u> , 155 Wis. 2d 659, 456 N.W.2d 336 (1990) and <u>Storm v. Legion Insurance Co.</u> , 203 WI 120, 265 Wis. 2d 169, 665 N.W.2d 353, two cases discussing the exclusivity of ch. 655, Wis. Stats. (2003-04), a surviving spouse's wrongful death claim in a medical malpractice case survives his or her own death such that his or her personal representatives have standing to pursue the claim?	06/14/2006 CERT Oral Arg 10/11/2006	2 Winne	---
2005AP2336	<u>G. Tyler v. The Riverbank</u> Is a circuit court's denial of post-trial motions a final order for purposes of timely filing an appeal?	05/09/2006 REVV Oral Arg 10/31/2006	3 Polk	Memo Opn.
2005AP2656	<u>Oneida County Dept. of Social Services v. Nicole W.</u> Is a partial summary judgment appropriate where the ground for terminating parental rights is a previous termination of rights to another child where the previous termination was by default judgment?	05/09/2006 REVV Oral Arg 10/30/2006	3 Oneida	03/22/2006 Unp 712 NW2d 88
*2005AP2742	<u>Dennis Kocken v. Wisconsin Council 40 AFSCME, et al.</u> Whether the feeding of prisoners is a matter solely left to the sheriff's control and, if so, whether that means he or she is free to privatize the function, or whether privatization itself constitutes an impermissible assignment of the sheriff's duties, particularly when the plan includes private supervision of inmate labor.	09/12/2006 CERT Oral Arg 01/16/2007	3 Brown	---
2005AP2752	<u>State v Shirley E.</u> Does a parent who has been defaulted in a TPR hearing maintain the substantive due process right to be represented by counsel throughout the remainder of litigation in the case?	05/09/2006 REVV Oral Arg 10/12/2006	1 Milw	03/22/2006 Pub 2006 WI App 55 711 NW2d 690
*2005AP2962-FT	<u>Wendy S DeHart, et al. v. Wisc. Mut. Ins. Co., et al.</u> Is an unidentified motor vehicle that allegedly struck a third vehicle shortly before allegedly being involved in a non-contact "hit-and-miss" accident with an insured vehicle an "unidentified motor vehicle involved in a hit-and-run accident" pursuant to Wis. Stat. § 632.32 (4) (a) (2) (b)?	09/21/2006 REVV	3 Lang	06/28/2006 Pub 2006 WI App 129 719 NW2d 518

NOTE: The statement of the issue is cursory and does not purport to be an all-inclusive, precise statement of the issues in the case. Readers interested in a case should determine the precise nature of the issues from the record and briefs filed with the Supreme Court.

APPENDIX

WISCONSIN SUPREME COURT PENDING CASES

By Cornelia G. Clark, Clerk of Supreme Court
(608) 266-1880

Case No.	Caption/Issue(s)	SC Accepted	CA Dist/Cty	CA Decision
*2005AP2998	<u>State of Wisconsin ex rel. Brian L. Buswell v. Tomah Area School District</u> Does Wis. Stat. § 19.84(2) require a specific notice when the subject matter of a governmental entity's meeting is of wide public interest? Is there a violation of the open records law where there is an allegation of subterfuge to avoid the requirements of Wis. Stat. § 19.84(2)?	09/12/2006 REVV Oral Arg 01/11/2007	4 Monroe	07/06/2006 Unp
2005AP3141	<u>City of Milwaukee v. R. Washington</u> Did the circuit court abuse its discretion in confining the respondent to county jail facilities for tuberculosis treatment under Wis. Stat. § 252.07(9) and in rejecting the alternative of guarded placement in a hospital because of the associated costs? Was remedial contempt available as a sanction for the circuit court to incarcerate the respondent for tuberculosis treatment until health authorities certified that the respondent was cured?	06/14/2006 REVV Oral Arg 11/01/2006	1 Milw	05/31/2006 Pub 2006 WI App 99 716 NW2d 176
2006AP703	<u>In re the estate of Harold E. Mennes: Univ. of WI Foundation v. M. Jenson</u> To determine finality for purposes of appeal, in a probate petition for formal administration of a will and codicil, is the special proceeding terminated when the objection to a codicil is denied, or when the will and codicil are admitted to probate, under the rationale set out in <u>Goldstein v. Goldstein</u> , 91 Wis. 2d 803, 284 N.W.2d 88 (1979)? Must a circuit court judge sign an order admitting a will and codicil for the matter to be appealable to the court of appeals?	08/30/2006 REVV Oral Arg 12/14/2006	4 Dane	Memo Opn

NOTE: The statement of the issue is cursory and does not purport to be an all-inclusive, precise statement of the issues in the case. Readers interested in a case should determine the precise nature of the issues from the record and briefs filed with the Supreme Court.